

REMARKS

I. Introduction

In response to the Office Action dated July 24, 2006, claims 17, 40, and 62 have been amended. Claims 1-67 remain in the application. Re-examination and re-consideration of the application, as amended, is requested.

II. Double Patenting Rejections

In paragraphs (1)-(2) of the Office Action, claims 1-16, 24-39, and 46-61 were rejected on the ground of non-statutory obviousness-type double patenting over claims 1-27 of U.S. Patent No. 6,671,000.

Enclosed is a terminal disclaimer that disclaims the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,671,000. In addition, enclosed is a statement under 37 CFR 3.73(b). In view of the timely filed terminal disclaimer, Applicants submit that the rejection is now moot. Accordingly, Applicants submit that these claims are now in condition for allowance.

III. Prior Art Rejections

In paragraphs (3)-(4) of the Office Action, claims 17, 40, 42, 62 and 64 were rejected under 35 U.S.C. §102(e) as being anticipated by Rapaich, U.S. Patent 6,441,870. In paragraphs (5)-(6) of the Office Action, claims 19-23, 43-45 and 65-67 were rejected under 35 U.S.C. §103(a) as being obvious in view of the combination of Rapaich. However, in paragraphs (7)-(8) of the Office Action, claims 18, 41 and 63 were indicated as being allowable if rewritten in independent form to include the base claim and any intervening claims.

Applicant acknowledges the indication of allowable claims, but respectfully traverses these rejections.

Specifically, claims 1, 9, 17, 24, 32, 40, 46, 54 and 62 were rejected as follows:

As to claim 17, Rapaich discloses an automatic gamma correction system for multiple video sources showing a personal computer (Figure 1), which includes an instruction storage means, a central processing means, and graphical processing means (col. 3, lines 39-45). Rapaich further shows a set of instructions (Figure 3) to be processed by the processor. Steps 310-340 meeting the

combining functions as claimed (see col. 4, lines 3-6). Steps 350-360 meet the supplying step as claimed.

As to claim 40, see rejection to claim 17.

As to claim 62, see rejection to claim 17.

Applicant traverses the above rejections for one or more of the following reasons:

(1) Rapaich does not teach, disclose or suggest the use of gamma transformations for one output means to be used on a different output means; and

(2) Rapaich does not teach, disclose or suggest combining a series of gamma transformations for use in one output means when the gamma transformations are intended for a different output means.

The present invention recognizes the problem that although image data may be transformed using gamma correction to appear natural in the viewing arena for which it is intended, the monitor used by an editor will have its own gamma characteristics and therefore distort the images. It is therefore hard for an editor to be sure that the effects he is applying, whether gamma correction, any other method of color correction, or unrelated editing processes such as chroma-keying, will be correct when viewed on, for example, a cinema screen. The invention as claimed therefore assesses the gamma requirements of the monitor and the image data and combines the necessary transformations to show the image data on the monitor as it will be seen in the intended viewing arena.

As set forth in the presently amended claims, the system is configured to display images on a color monitor based on gamma characteristics for a different output means (e.g., a cinema screen). Gamma requirements for gamma characteristics of the different output means are used to create a plurality of gamma transformations. The gamma transformations are combined and used to display images on the monitor transformed in accordance with the transformations. Again, as set forth in the claims, the transformations are for the different output means but are used to display the images on the color monitor.

The cited references do not teach nor suggest these various elements of Applicant's independent claims. Rapaich is merely directed towards the use of different gamma profiles for the different sources and multiple different display devices (see col. 3, line 67-col. 5, line 6). However, there is no teaching or even remote suggestion to use the gamma profile for one display device to display images on a different display device. Such a teaching (and explicitly claimed limitation) is not

remotely alluded to, explicitly or implicitly, in Rapaich. In fact, Rapaich completely fails to even recognize the problem addressed by the present invention relating to what the editors view and to ensure edits are viewed as desired for the final/different output mechanism. Thus, Applicant's invention solves problems not recognized by Rapaich.

Moreover, the various elements of Applicant's claimed invention together provide operational advantages over Rapaich.

Thus, Applicant submits that independent claims 1, 9, 17, 24, 32, 40, 46, 54 and 62 are allowable over Rapaich. Further, dependent claims 2-8, 10-16, 18-23, 25-31, 33-39, 41-45, 47-53, and 55-61 are submitted to be allowable over Rapaich in the same manner, because they are dependent on independent claims 1, 9, 17, 24, 32, 40, 46, 54 and 62, respectively, and thus contain all the limitations of the independent claims. In addition, dependent claims claims 2-8, 10-16, 18-23, 25-31, 33-39, 41-45, 47-53, and 55-61 recite additional novel elements not shown by Rapaich.

IV. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicant's undersigned attorney.

Respectfully submitted,

GATES & COOPER LLP
Attorneys for Applicant(s)

Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, California 90045
(310) 641-8797

Date: October 24, 2006

By: Jason S. Feldmar
Name: Jason S. Feldmar
Reg. No.: 39,187

JSF/

G&C 30566.121-US-C1